

SENATE JOINT RESOLUTION 91

By Beavers

A RESOLUTION to request the Attorney General and Reporter of the State of Tennessee to file a lawsuit against the federal government on behalf of Tennesseans who could be fined by the federal government for not having adequate health insurance coverage.

WHEREAS, the federal government through the Patient Protection and Affordable Care Act (Pub. L. 111-148, as amended) has required many Tennessee citizens to have adequate health insurance coverage as determined by federal law or be subject to fines or penalties; and

WHEREAS, despite the United States Supreme Court decision in *National Federation of Independent Business v. Sebelius*, and in light of the numerous continuing challenges to the legality of the implementation of the Patient Protection and Affordable Care Act, citizens of Tennessee desire that every appropriate legal action be taken to restrain the federal government from unlawfully fining or penalizing our fellow citizens; and

WHEREAS, the Tennessee Health Freedom Act appropriately declares in Tennessee Code Annotated, Section 56-7-1016(c)(2), that “the public policy of this state, consistent with our constitutionally-recognized and inalienable right of liberty, is that every person within this state is and shall be free to choose or to decline to choose any mode of securing healthcare services without penalty or threat of penalty”; and

WHEREAS, in light of the Tenth Amendment to the United States Constitution, the Declaration of Rights of the Tennessee Constitution, and the inalienable rights of liberty residing in the people, it is beneficial to the welfare of this State for the Attorney General and Reporter of the State of Tennessee to challenge the legality of these fines and penalties with every appropriate legal response, including lawsuits; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that this body requests the Attorney General and Reporter to take whatever appropriate legal action, including the filing of a lawsuit, that is available to the State of Tennessee on behalf of its citizens to protect the citizens of this State from the imposition of fines and penalties that violate the public policy of this State as declared in the Tennessee Health Freedom Act.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for transmission to the Attorney General and Reporter.